Water Quality Certification Program Division of Water Rights State Water Resources Control Board

San Joaquin River Trib Settlement Meeting
October 17, 2012

Presented by: Erin Ragazzi

Outline

- Authority
- Organization & Program
- Federal Energy Regulatory Commission (FERC) Process
- Water Quality Certification (WQC)
 Development
- WQCs in Phase 1 Area

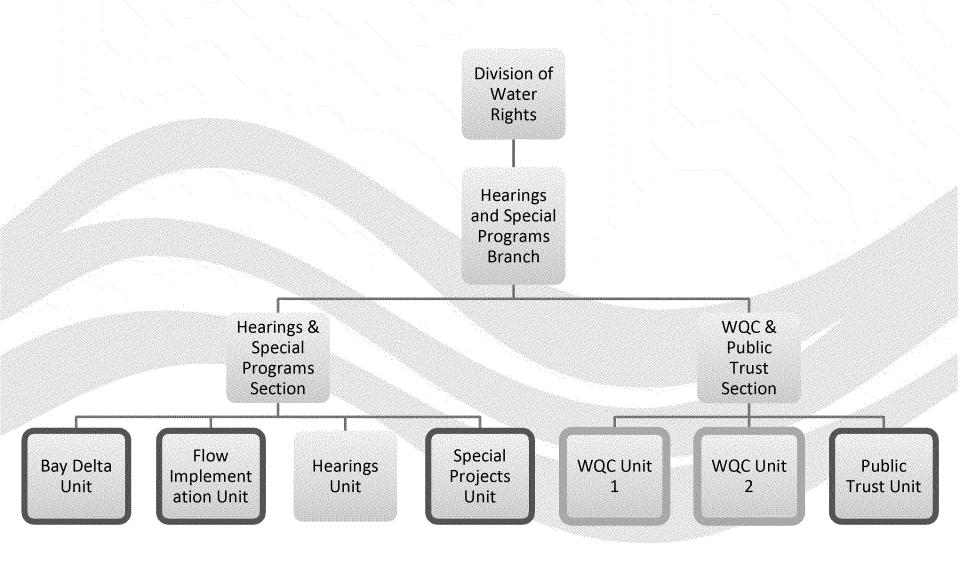
Clean Water Act (CWA)

- Enacted "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters"
- Section 401:
 - Requires applicant for federal license or permit that may result in a
 discharge into navigable waters to provide licensing or permitting
 federal agency with certification that project will be in compliance
 with specified provisions of CWA, including water quality standards
 and implementation plans promulgated pursuant to section 303 of
 CWA
 - Directs agency responsible for certification to prescribe effluent limitations and other limitations necessary to ensure compliance with CWA and with any other appropriate requirement of state law
 - Provides that state certification conditions shall become conditions of any federal license or permit for project

Division of Water Rights and Water Quality Certifications (WQCs)

- Division of Water Rights responsible for developing WQCs for two types of projects:
 - Projects that require a license or license amendment from Federal Energy Regulatory Commission (FERC)
 - Projects that are associated with diversion of water and require a federal permit or license (Projects with a water rights nexus)

Organization



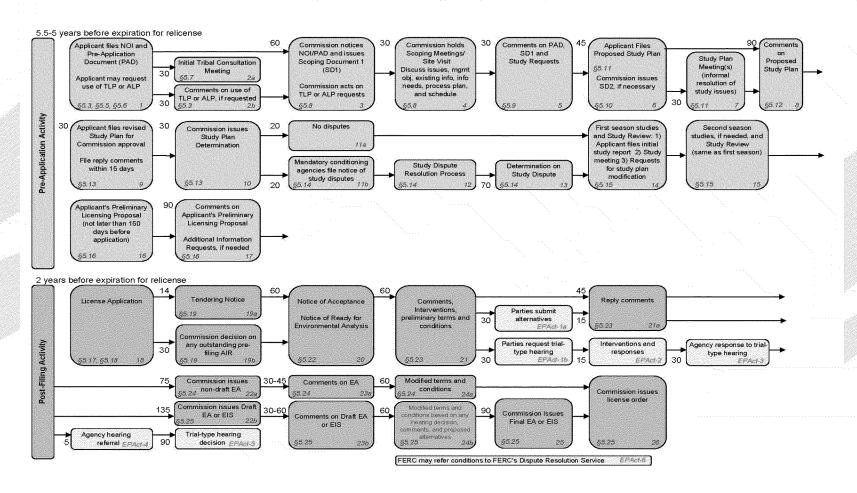
FERC Relicensing Process

- FERC designated Integrated Licensing Process
 (ILP) as default process for filing an application
 for an original, new, or subsequent license
- FERC approval is needed to use either
 Traditional or Alternative Licensing Process

Integrated Licensing Process (ILP)

Integrated Licensing Process

(Section 241 of the Energy Policy Act of 2005)



State Water Board Approach to Licensing Process

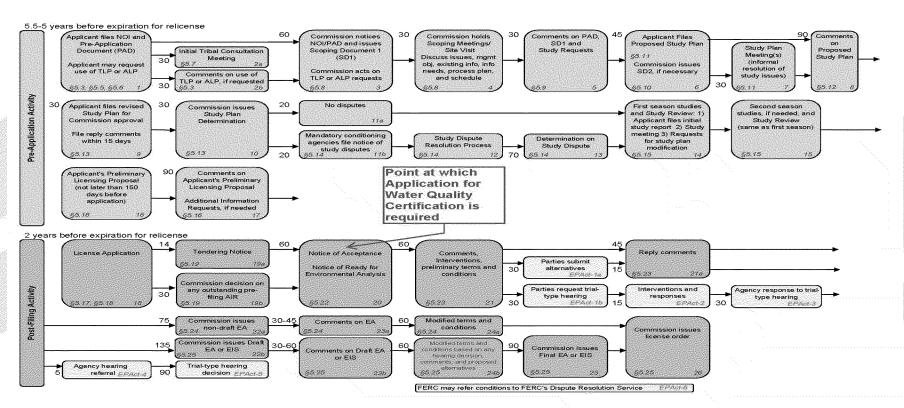
- As a mandatory conditioning agency, State Water Board staff actively participate from beginning
- Staff attend meetings, propose study plans, and submit comments
- All proposed study plans are aimed to inform water quality certification conditions

WQC & Information Gathering

- State Water Board is not always able to obtain all necessary information necessary to inform WQC conditions through the ILP
- Therefore, State Water Board may obtain information...
 - CEQA (as Lead Agency)
 - Order
 - Water Rights/Public Trust Authorities

Application for WQC

Integrated Licensing Process (Section 241 of the Energy Policy Act of 2005)



^{*}Section 241 of the Energy Policy Act of 2005 in pink.

WQC Issuance

- Issuance of WQC is a discretionary action that requires State Water Board to comply with California Environmental Quality Act (CEQA)
- State Water Board must have enough information to ensure WQC is protective of public trust resources and California's water quality standards (BUs + WQOs + Antidegradation)
- Balancing to protect various BUs and public trust resources

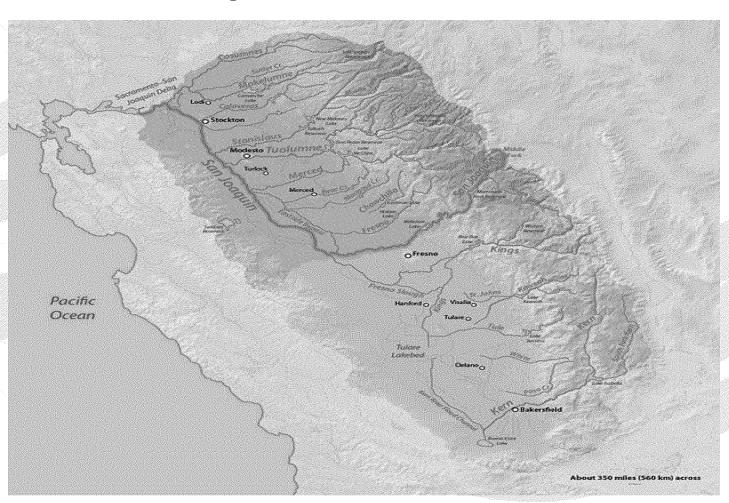
Basin Plans

- California Regional Water Quality Control
 Boards adopt and State Water Board approves
 basin plans for each watershed basin in State
- Basin plans designate beneficial uses of waters within each watershed basin, and water quality objectives designed to protect those uses

Basin Plans Associated with San Joaquin River Watershed

- Two Basin Plans need to be considered when issuing WQCs for FERC projects located in San Joaquin Watershed:
 - Water Quality Control Plan for the Sacramento River and San Joaquin River Basin
 - Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan)

WQCs in San Joaquin River Watershed



Water Quality Certifications in San Joaquin River Watershed

- Four distinct areas within the San Joaquin watershed with FERC licensed hydroelectric projects:
 - Stanislaus River Watershed
 - Upper San Joaquin River Watershed
 - Merced River Watershed
 - Tuolumne River Watershed
- Following are tables with status of various
 FERC projects in these watersheds

WQCs & Phase 1

- Minimum flows often established as part of WQCs and mandatory conditions
- Intent is to establish flows that are supportive of both processes
 - Phase 1 would likely bracket flows
 - WQC would establish flows for respective projects
 - If information shows this is not case, want to address now (as soon as known)

Stanislaus River

| FERC Project No. | Project Name | Date of Current WQC | License Expiration Date | Licensee | Status |
|------------------------|---------------------------|------------------------|-------------------------------|--|------------------------------|
| 1061 | Phoenix | N/A | 08/31/2022 | Pacific Gas and Electric Company (PG&E) | License Issued 09/30/1992 |
| 2005 | Beardsley/ Donnells | 09/14/2005 | 12/31/2046 | Oakdale & South San Joaquin Irrigation Districts | License Issued 01/30/2006 |
| 2067 | Tulloch | 09/14/2005 | 12/31/2046 | Oakdale & South San Joaquin Irrigation Districts | License Issued 12/16/2006 |
| 2130 | Spring Gap- Stanislaus | 09/15/2008 | 03/31/2047 | PG&E | License Issued 04/24/2009 |

Stanislaus River cont'd

| FERC Project No. | Project Name | Date of Current WQC | License Expiration Date | Licensee | Status |
|------------------------|-----------------------------------|------------------------|-------------------------------|-------------------------------------|---------------------------|
| 2409 | North Fork Stanislaus River | N/A | 01/31/2032 | Calaveras County Water District | License Issued 02/08/1982 |
| 2975 | Sand Bar | N/A | 08/31/2033 | Tri-Dam Power Authority | License Issued 09/08/1983 |
| 2019 | Utica | 05/29/1998 | 08/31/2033 | Utica Power Authority | License Issued 09/03/2003 |
| 2699 | Angels | 05/29/1998 | 08/31/2033 | Utica Power Authority | License Issued 09/03/2003 |
| 11563 | Upper Utica Reservoir | 09/03/2009 | 08/31/2033 | Northern California Power Authority | License Issued 09/03/2003 |

Upper San Joaquin River

| FERC Project No. | Project Name | Date of Current WQC | License Expiration Date | Licensee | Status |
|------------------------|-----------------------------------|---------------------------|-------------------------------|----------------------------------|--------------------------|
| 67 | Big Creek 2A, 8, & Eastwood | N/A | 02/28/2009 | Southern California Edison (SCE) | Awaiting Issuance of WQC |
| 2175 | Big Creek No. 1 & 2 | N/A | 02/28/2009 | SCE | " |
| 120 | Big Creek No. | N/A | 02/28/2009 | SCE | u |
| 2086 | Vermillion Valley | N/A | 08/32/2003 | SCE | u . |
| 2174 | Portal | N/A | 03/31/2005 | SCE | <i>u</i> |
| 2085 | Mammoth Pool | N/A | 11/30/2007 | SCE | " |

Upper San Joaquin River Cont'd

| FERC Project No. | Project Name | Date of Current WQC | FERC License Expiration Date | Licensee | Status |
|------------------------|--------------------|------------------------|------------------------------------|---------------------------|---------------------------|
| 2017 | Big Creek No. 4 | 06/13/2003 | 11/30/2039 | SCE | License Issued 12/04/2003 |
| 2892 | Friant | N/A (Amendment) | 08/31/2032 | Friant Power Authority | License Issued 09/30/1982 |
| 96 | Kerckhoff | N/A | 11/30/2022 | PG&E | License Issued 11/08/1979 |

Merced River

| FERC Project No. | Project Name | Date of Current WQC | FERC License Expiration Date | Licensee | Status |
|------------------------|--------------|---------------------------|---------------------------------|----------------------------------|---|
| 2179 | Merced River | N/A | 02/28/2014 | Merced Irrigation District | Awaiting Notice of Acceptance and Notice of Ready for Environmental Analysis (Box 20) |
| 2467 | Merced Falls | N/A | 02/28/2014 | PG&E | Awaiting Notice of Acceptance and Notice of Ready for Environmental Analysis (Box 20) |

Tuolumne River

| FERC Project No. | Project Name | Date of Current WQC | License Expiration Date | Licensee | Status |
|------------------------|------------------|------------------------|-------------------------------|---|--------------------------------------|
| 2299 | New Don Pedro | N/A | 04/30/2016 | Modesto Irrigation District & Turlock Irrigation District | First Year of Studies (Box 14) |

Additional Information

- Available on WQC Program webpage:
 http://www.waterboards.ca.gov/waterrights/water_issues/programs/water_quality_cert/
- Email subscription "Water Rights Water Quality Certification" online at: http://www.waterboards.ca.gov/resources/e mail_subscriptions/swrcb_subscribe.shtml